

#91508 1636
6/18/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Keith D. Allen

Serial No.: 09/900,497

Filed: July 6, 2001

For: Transgenic Mice Containing NPY6-R
Neuropeptide Receptor Gene
Disruptions

Docket No.: R-639

Group Art Unit: 1636

Examiner: Sita S. Pappu



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RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed May 7, 2002 regarding the above-captioned application, Applicants submit herewith:

1. Three (3) sheets Substitute Drawings (Figs. 1-2B) which identify each sequence disclosed in the description of the application.
2. A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.

The Sequence Listing submitted on October 26, 2001 in computer readable format, contains all nucleotide and/or amino acid sequences disclosed in the description of the application. The sequence listing merely presents nucleotide and/or amino acid sequences that appeared in the application as originally filed in accordance with 37 C.F.R. §1.821-1.825.

Accordingly, Applicants believe that the above-referenced application is in compliance with 37 C.F.R. §1.821-1.825. Entry of the previously submitted sequence listing and the substitute drawings submitted herewith is respectfully requested.

Date: June 4, 2002

Respectfully submitted,


Robert J. Driscoll, Reg. No. 47,536

Deltagen, Inc.
740 Bay Road
Redwood City, CA 94063
(650) 569-5168

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): ALLEN, Keith D.

Docket No.

R-639

Serial No.
09/900,497Filing Date
July 6, 2001Examiner
Sita S. PappuGroup Art Unit
1636

Invention:

TRANSGENIC MICE CONTAINING NPY6-R NEUROPEPTIDE RECEPTOR GENE DISRUPTION

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Response to Notice to Comply with Requirements for Patent Applications
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures

I hereby certify that this

(incl. 3 Sheets substitute drawings)

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The

Commissioner of Patents and Trademarks, Washington, D.C. 20231-0001 on June 4, 2002

(Date)

Deborah A. Mojarro

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.



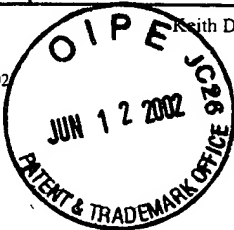
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,497	07/06/2001	Keith D. Allen	R-639	4128

7590
DELTAGEN, INC.
1003 Hamilton Avenue
Menlo Park, CA 94025

05/07/2002



EXAMINER

PAPPU, SITA S

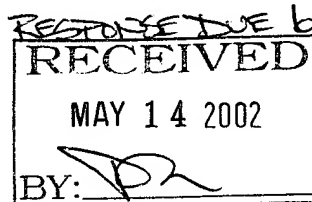
ART UNIT PAPER NUMBER

1636

DATE MAILED: 05/07/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.



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Applicant

UNITED STATES DEPARTMENT OF COMMERCE
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/900,497	07/06/01	Keith Allen	R-639



EXAMINER	
Sita S. Pappu	
ART UNIT	PAPER NUMBER
1636	8

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821-1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Sequences are disclosed in the specification but are not identified by their sequence identifiers (i.e. SEQ ID NO). For example, Figure 2A discloses nucleotide sequences that are not identified by sequence identifiers either in the Figure or in the brief description of Drawings. Applicant is further reminded that amendment to the specification, and/or claims is required to comply with 37 C.F.R. 1.821(d). Each sequence disclosed in the specification and/or figures must be identified by its sequence identifier (i.e., SEQ ID NO:). Applicant is reminded that the entire specification and figures should be reviewed for sequence disclosures.

A substitute copy of CRF, a paper copy of the sequence listing are required only if the sequences disclosed were not already included in the CRF submitted.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Sita S. Pappu whose telephone number is (703) 305-5039. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Irem Yucel whose telephone number is (703) 305-1998. The fax number for the organization where this application is assigned is (703) 308-8724. Any inquiry of a general nature or relating to the status of this application should be directed to the Patent Analyst at (703) 305-2982.

Anne-Marie Baker
ANNE-MARIE BAKER
PATENT EXAMINER

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JUN 18 2002
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NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Sequences are disclosed in the specification but are not identified by their sequence identifiers (i.e. SEQ ID NO). Since the specification discloses sequences that are not identified by their sequence identifier, it is unclear if all disclosed sequences are included in the sequence listing. Applicant is advised that, a substitute CRF and substitute paper copy of the Sequence Listing are required only if the sequences are not already included in the Sequence Listing. Applicant is reminded that the entire specification and figures should be reviewed for sequence disclosures. Applicant is further reminded that amendment to the specification, and/or figures is required to comply with 37 C.F.R. 1.821(d).

Applicant Must Provide:

- ☒ An ~~initial~~ or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An ~~initial~~ or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry in the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

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PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office because mail sent to this zip code is destined for irradiation. The following information is also provided on the website.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebs/efs/downloads/documents.htm>),
EFS Submission User Manual - ePAVE)

2. Mailed to:
U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

3. Mailed by Federal Express, United Parcel Service or other
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4. Hand Carried directly to the Customer Window at:
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